

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

JERRY PINKS, individually and on behalf of  
others similarly situated,

Plaintiff,

vs.

M & T BANK CORP.,

Defendant.

Index No.: 13-cv-1730—LAK—RLE

**M&T BANK CORPORATION’S  
MOTION FOR RECONSIDERATION OF  
SEPTEMBER 30, 2015 ORDER AND/OR  
RESPONSE TO PLAINTIFF’S  
OBJECTIONS TO SEPTEMBER 2, 2015  
REPORT AND RECOMMENDATION**

**PLEASE TAKE NOTICE** that, upon the accompanying Memorandum of Law dated October 13, 2015, which is incorporated by reference, and upon all of the pleadings and proceedings heretofore had herein, Defendant M&T Bank Corporation (“M&T”) hereby moves this Court for reconsideration of the Court’s September 30, 2015 Order (Dkt. 98), adoption of Magistrate Judge Ellis’s September 2, 2015 Report and Recommendation (Dkt. 89) and granting of M&T’s Motion for Partial Judgment on the Pleadings (Dkt. 52). In accordance with the Individual Practices of Judge Kaplan, a pre-motion conference is not required.

**WHEREFORE**, M&T respectfully requests that the Court reconsider its September 30, 2015 Order, adopt Magistrate Judge Ellis’s September 2, 2015 Report and Recommendation and grant M&T’s Motion for Partial Judgment on the Pleadings.

Date: October 13, 2015

Respectfully submitted,

**REED SMITH LLP**

By: /s/ Roy W. Arnold

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 13, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel or parties of record electronically by CM/ECF.

/s/ Roy W. Arnold  
*Counsel for Defendant M&T Bank  
Corporation*